

# Housing Domestic Abuse Policy

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## 1. Defining domestic abuse and related terms

### 1.1 Domestic abuse

- 1.1.1 The Domestic Abuse Act 2021 defines “domestic abuse” as the behaviour of one person towards another to whom they are personally connected, where that behaviour consists of:
  - physical or sexual abuse;
  - violent or threatening behaviour;
  - controlling or coercive behaviour;
  - economic abuse;
  - psychological, emotional or other abuse;

1.1.2 It does not matter whether the behaviour consists of a single incident or a course of conduct.

## 1.2 Violence against Women and Girls (VAWG)

1.2.1 In line with the Council's Domestic Abuse Strategy, the values and beliefs of the Violence against Women and Girls are central to this policy. Not all domestic abuse or domestic violence is directed towards women and girls, but the Council recognises the gendered nature of many cases of domestic abuse, and its roots in gender inequality.

1.2.2 Newham uses the definition set out in the United Nations Declaration (1993) on the Elimination of Violence Against Women of "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

1.2.3 It includes, but is not limited to:

- sexual abuse of female children in the household,
- dowry-related violence,
- marital rape,
- female genital mutilation and other traditional practices harmful to women,
- non-spousal violence and violence related to exploitation;
- rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere,
- trafficking in women and forced prostitution.

## 1.3 Survivors of domestic abuse

1.3.1 This policy uses the word "survivor" over the term "victim" to describe someone who has experienced domestic abuse. This is in order to emphasise that they have experienced domestic abuse but are not subordinate to the person who has abused them.

1.3.2 The 2021 Domestic Abuse Act states that someone can be a survivor of domestic abuse even if the abuse consists of conduct directed at another person. This means that a child can be a survivor of domestic abuse if their parent is the person towards whom the abusive conduct is directed. It is also clear that children can experience domestic abuse if they see, hear or experience the effects of domestic abuse, and either the adult survivor or perpetrator is related to or has parental responsibility for them.

## 1.4 Perpetrators of domestic abuse

1.4.1 The use of the term 'perpetrator' reflects that an individual has made a decision to carry out acts of harm against another. It clearly places accountability for committing abuse on the individual and challenges any myths that survivors are in way responsible or contribute to the abuse they experience.

## 2. Context

### 2.1 The national context

- 2.1.1 Domestic abuse is a hidden crime with survivors and their families often not reporting their experiences due to fear of reprisals, shame or just not knowing where to access help and support. The data that is available via the Police indicates that:
- Nationally, Police data shows that in 2021 women were the victims or survivors of domestic abuse in 73% of the domestic abuse-related crimes recorded in England and Wales.
  - During the Covid-19 pandemic there was increased demand on domestic abuse helplines, with a 22% increase in people supported by the National Domestic Abuse Helpline in England. Domestic abuse services also saw an increase in numbers of survivors accessing support.
  - In England and Wales, women are the victims in 76% of all domestic homicides.
  - Nearly one in five victims of domestic homicide (18%) were aged 70 years and over.
  - Nationally two women a week are the victims of domestic homicide.
- 2.1.2 Housing plays an important role in the response to domestic abuse. Housing is the primary barrier for people attempting to leave abusive situations.<sup>1</sup> Providing safe, alternative accommodation is key to removing the survivor from the abusive situation and ensuring that the perpetrator is not able to locate the survivor. The development of the refuge model in the 1960s is testament to the importance of providing sanctuary and support for survivors in the first instance.
- 2.1.3 Housing can also be another factor that perpetrators can use to threaten survivors, particularly if they are the lead tenant in a rented property or own the property in their own name only. Economic abuse can also result in survivors accruing rent arrears. Domestic abuse is a key reason for homelessness applications among lone women and lone women parents in particular.
- 2.1.4 Being able to retain a safe home can enable survivors to retain community support, social networks, employment, and education. By minimising this disruption, the wider social risks to a survivor's life chances as a result of domestic abuse can be reduced.<sup>2</sup>

### 2.2 The Newham context

- 2.2.1 In Newham between August 2021 and August 2022, 6,793 domestic abuse incidents were reported to the police. 4,239 of these reports were classified as offences.<sup>3</sup> In Newham in 2021/22, 190 approaches to housing services were to access safe accommodation due to domestic abuse. This represents an increase of 42% from previous year.
- 2.2.2 This is likely to be an under-representation of the true scale of the issue in Newham, given that only a small fraction of domestic abuse incidents are reported to Police, and

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<sup>1</sup><https://www.dahalliance.org.uk/who-we-are/dahas-vision/>

<sup>2</sup> [https://www.dahalliance.org.uk/media/11077/st-york-evaluation-report\\_final.pdf](https://www.dahalliance.org.uk/media/11077/st-york-evaluation-report_final.pdf)

<sup>3</sup> <https://www.london.gov.uk/programmes-strategies/mayors-office-policing-and-crime/data-and-statistics/domestic-and-sexual-violence-dashboard>

due to the sensitive nature of domestic abuse, survivors may choose not to disclose it to housing officers, or officers may fail to ask the question.

2.2.3 In 2022 Newham published its Domestic Abuse Strategy and Action Plan, a three-year strategy setting out the Council's commitment to improving its response to domestic abuse and working towards inspiring trust. The Strategy was co-produced with local residents and domestic abuse survivors, alongside local support services, and has three core values which also underpin this policy:

- we will listen to survivors
- we will believe survivors
- we will take action to offer survivors support, make them safe and support their recovery from abuse.

2.2.4 This policy is also firmly aligned with the Council's Domestic Abuse Strategy in its intersectional approach to domestic abuse and its definitions of key terms.

## 2.3 Supporting legislation

2.3.1 The Housing directorate's activities to support survivors and victims of domestic abuse are supported primarily by the following legislation:

- The Housing Act 1996, which established it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to violence or domestic abuse against them or someone with whom they usually reside or might reasonably be expected to reside.
- The Homelessness Reduction Act 2017, which sets out the Council's new duties to prevent and relieve homelessness. The Domestic Abuse Act 2021, which sets out the new definition of domestic abuse and established that people made homeless due to being a victim of domestic abuse have automatic priority need for homelessness assistance.

## 3. Policy scope

3.1 This policy applies to all Newham residents regardless of housing tenure. It sets out how Newham Council staff in the Housing Directorate will respond to individuals or households when they are made aware of cases of domestic abuse.

3.2 It provides tenants/residents/service users with clear and succinct reassurance about what they can expect from the Council's domestic abuse response.

3.3 This policy invites, empowers and enables victims/survivors to disclose their experiences, safe in the knowledge they will be believed, validated and supported to make choices.

## 4. Policy Aims

4.1 The aim of this policy is to set out clearly the Council's approach to supporting residents who contact our housing service as survivors or victims of domestic abuse. This approach is one in which:

- People who are survivors of domestic abuse are believed, their concerns treated seriously and confidentially.

- Survivors feel that they are treated with respect and sensitivity by well-informed Council officers
- Perpetrators are held accountable for their behaviour

## 5. Policy Objectives

### 5.1 Responding to domestic abuse disclosures

- 5.1.1 Believing survivors is at the core of our approach to tackling domestic abuse. Survivors of domestic abuse, in any form, should be able to disclose their experience to housing staff and be met with respect, empathy and sensitivity.
- 5.1.2 This should be the case regardless of how they are made aware; there is no right or wrong way to disclose domestic abuse. The Council will support survivors to make reports to the police where they choose to do so, but an individual deciding not to engage with police will not affect the service they receive from the Council. We will also support survivors to access legal support to take action to safeguard themselves, their families and property, such as non-molestation orders, occupation orders, or restraining orders.
- 5.1.3 We will also ensure that the response to a disclosure of domestic abuse is guided by an assessment of the risk of harm to the survivor. The Council acknowledges that there will be circumstances where individuals at risk of violence and abuse may require immediate and secure shelter away from their current home. We will ensure that the safety of the individual is the first priority, and that this is assessed on a case-by-case basis.
- 5.1.4 We recognise the damage that can be inflicted when councils “gate-keep” services, or seek to limit access. This can result in survivors of domestic abuse being forced to remain in an unsafe situation, return to a perpetrator, or be forced to sleep rough. It can also have an effect on the mental wellbeing of survivors, with one report describing the process of interacting with Councils as being “abused twice” – by both the perpetrator and the Council – as a result of aggressive and invasive questioning, and dismissive staff attitudes.<sup>4</sup>
- 5.1.5 The survivor’s experience in making a disclosure of domestic abuse to the Council is important, and we will seek to earn trust by getting our response right the first time. The Council will have a clear safeguarding approach to supporting survivors which seeks to prevent further harm and is based on the level of risk.
- 5.1.6 Our approach to responding will also centre on the survivor and focus on enabling them to feel safe and supported. Housing support will, in addition to prioritising safety, support survivors to fulfil their aspirations and continue to live well. This includes considering access to friends, family, employment and education as part of any decision around long-term accommodation.
- 5.1.7 We understand that awaiting updates and decisions regarding housing can cause stress and anxiety, particularly for survivors of domestic abuse, and we will ensure regular communication with survivors on the progress of their cases.

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<sup>4</sup> [https://www.pilc.org.uk/wp-content/uploads/2022/09/PILC-Housing-DA-Report\\_September-2022-Final-3-2-corrected-v2.pdf](https://www.pilc.org.uk/wp-content/uploads/2022/09/PILC-Housing-DA-Report_September-2022-Final-3-2-corrected-v2.pdf)

- 5.1.8 Homeless applicants will receive an appointment date and time upon application usually within two working days. Urgent cases will be prioritised with ‘homeless on the day’ cases being passed through to the team as a high priority.
- 5.1.9 To support these positive practices, we are setting expectations through this policy, putting a programme of staff training in place, and monitoring our performance. Within HPAS the Senior Manager (Pathways) will ensure quarterly engagement with key stakeholders to give updates on the HPAS service, to advise on future plans and to accept feedback.

## 5.2 Intersectionality

- 5.2.1 Newham is a highly diverse area, with a majority of its residents born outside the UK.<sup>5</sup> 41% have a main language other than English, which can create a barrier for disclosing domestic abuse or living independently from a perpetrator.<sup>6</sup> 74.2% of the population is from Black and Asian communities, the highest rate in the UK.<sup>7</sup>
- 5.2.2 People who live with inequalities in other areas of their life are not only more likely to experience domestic abuse, but they may have additional barriers to leaving an abusive situation, for example a lack of community support networks, or not feeling able to disclose their sexual orientation to family or friends. Minoritised communities may also find it more difficult to disclose domestic abuse to the Council, police or other authorities due to previous experiences of discrimination.
- 5.2.3 The Council’s approach is to take a culturally sensitive approach, allowing survivors to speak to someone of the same gender if they prefer, and ensuring that we do not make assumptions about a survivor’s experience or preferences on the basis of their age, gender, ethnicity, sexual orientation or other characteristics.
- 5.2.4 However we will also ensure that staff are able to correctly identify highly specific forms of abuse such as forced marriage and “honour”-based abuse, as well as recognising forms of domestic abuse experienced by young people.
- 5.2.5 The Council has published key information on accessing support for survivors of domestic abuse in a range of locally-spoken languages.
- 5.2.6 The Council acknowledges that while the majority of survivors of domestic abuse are women, it can affect anyone, including children, men, boys, older people and people who identify as LGBT+.

## 5.3 Co-ordinated approach

- 5.3.1 The Council will take a proactive, multi-agency approach to responding to survivors approaching our housing service. Although housing is a key aspect of domestic abuse, it is not the only element, and officers in the housing directorate will work closely with other areas of the Council and commissioned services.
- 5.3.2 An important tool through which we will ensure a co-ordinated approach is the Multi Agency Risk Assessment Conferences (MARAC). MARAC brings together a range of agencies, such as the Police, NHS and other Council departments, to share information on the risk to the survivor and to make recommendations to manage their safety. We will

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<sup>5</sup> Census, 2021

<sup>6</sup> Census, 2011

<sup>7</sup> *ibid*

continue to ensure that housing officers participate in MARAC and that they follow all reasonable recommendations made.

- 5.3.3 We will also continue to support survivors to access commissioned services, and other agencies that may be relevant to the needs of the individual or family. We will continue to develop our working relationship with such services to ensure that information-sharing and record-keeping is as effective as possible.

## 5.4 Record-keeping

- 5.4.1 We are developing a case management approach for housing officers that clearly identifies when a case has involved domestic abuse, to ensure the safeguarding of survivors.
- 5.4.2 Record-keeping will be consistent and thorough, in line with service standards. Case notes will be marked as confidential and stored securely to prevent third parties accessing the information without the survivor's consent.
- 5.4.3 An additional benefit of having good record-keeping practices is that survivors will not be forced to explain their circumstances multiple times, which can be traumatising. Instead, officers will be able to identify cases where domestic abuse has formed part of a housing or homelessness case.
- 5.4.4 We will respect the survivor's right to confidentiality, sharing information with partner organisations only with the consent of the survivor. We will withhold information from requestors where it is deemed that there is a safeguarding risk or to prevent further abuse, under section 115 of the Crime and Disorder Act 1998 and various provisions of the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) 2018.
- 5.4.5 However if the Council judges that there is a lawful basis to share confidential information without consent, for example where the survivor's safety is at risk, it will do so on the basis of the facts of the case. Where possible, officers will discuss the reasons for sharing the information with the survivor.

## 5.5 Perpetrator management

- 5.5.1 Our approach centres the survivor, and therefore the safety needs and preferences of the survivor will be taken into account when considering how to hold perpetrators accountable. Survivors will be supported to contact the Police if they wish to do so, but it will not be a requirement for Council support that they do so.
- 5.5.2 The first priority in terms of perpetrators is therefore to ensure that the perpetrator is not able to continue to abuse.
- 5.5.3 A secondary priority for the Council is to hold them to account. This may involve taking action where the Council is the landlord to ensure that a joint tenancy is ended or that a survivor has a sole tenancy, or evicting the perpetrator. Such action will only be taken once the Council judges that it will not cause harm to the survivor to do so.
- 5.5.4 Where a perpetrator is willing to address their behaviour, they will be referred to appropriate support services.
- 5.5.5 We will continue to offer housing advice and support to perpetrators as necessary, in line with our statutory duties. However the Council may take the decision to exclude the perpetrator from the housing register if there is substantial evidence available and it is judged that this could facilitate the perpetrator continuing to abuse.

## 5.6 Finding suitable accommodation

- 5.6.1 Identifying safe alternative accommodation is highly likely to be part of the response that the Council provides to survivors of domestic abuse. Where appropriate we will liaise with other housing providers to ensure the survivor is able to move as quickly as possible.
- 5.6.2 In line with the Secure Tenancies (Victims of Domestic Abuse) Act 2018 and Part 4 of The Housing Act 1985 (as amended by The Domestic Abuse Act 2021) we will ensure that survivors of domestic abuse who are part of a household who has a secure Council tenancy in Newham or another local authority and have to move as a result of that abuse are guaranteed secure tenancies.
- 5.6.3 We have an established process for reviewing and approving moves for survivors of domestic abuse who have Newham Council tenancies. The requirement for the applicant to have a clear rent account and no other housing debts is removed, as survivors of domestic abuse are significantly more likely to be in arrears or the subject of ASB complaints due to economic and other abuse.
- 5.6.4 If a household is required to make a homelessness application they will have a named officer who will keep them informed on the progress of their case.
- 5.6.5 We will also establish a sanctuary scheme which will enable survivors who wish to remain in their own home to do so, where this is a safe option. This can involve the use of legal tools like restraining orders as well as physical alterations like extra locks and security lighting to the property in order to improve security, as well as working with other organisations such as the Police to provide panic alarms.

## 5.7 Staff training

- 5.7.1 Well-trained staff are key to delivering the aims set out above. We will establish clear procedures and processes regarding homelessness applications, tenancy management, referrals, and risk assessments where cases involve domestic abuse.
- 5.7.2 Recognising domestic abuse and the Council's principles and procedures for responding to it will be covered in inductions for new officers, and regular "refreshers" will be scheduled. Regular, ongoing training will also ensure that staff are up-to-date on new legislation and best practice. We will ensure that staff have access to trauma-informed training and bystander training whenever appropriate, with staff wellbeing being a key consideration.
- 5.7.3 Unconscious bias training will also be made available to ensure that the important intersections with other inequalities and disproportionalities is well-understood by officers.

## 5.8 Monitoring and continuous improvement

- 5.8.1 In order to monitor our progress and ensure that the service continues to improve, we will review cases on an ongoing basis. Learning and feedback on cases will be shared and discussed with officers, both on an ad hoc basis and through scheduled case reviews.
- 5.8.2 Feedback from those survivors who have experienced our service will provide important insight into performance and therefore we will actively seek feedback and evaluation where appropriate.



5.8.3 In order to ensure it remains fit for purpose, this Domestic Abuse in Housing Policy will be reviewed every three years, keeping the process in line with the renewal of the Newham Domestic Abuse Strategy 2022-25.

## 5.9 Appeals and complaints

5.9.1 Appeals and complaints will be dealt with through the Council's complaints procedure